



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCGLEW & TUTTLE, PC
1 SCARBOROUGH STATION PLAZA
SCARBOROUGH NY 10510-0827

COPY MAILED

FEB 22 2005

In re Application of
Schlecht, et al.
Application No. 10/840,213
Filed: May 4, 2004
Attorney Docket No. 71369
FOR: HEATING SYSTEM FOR A
VEHICLE

:
:
:
: **OFFICE OF PETITIONS**
: **DECISION GRANTING**
: **PETITION**
:

This is a decision on the petition, filed January 10, 2005, requesting that the above-identified application be accorded a filing date of May 5, 2004, instead of the presently accorded date of May 4, 2004.

Petitioners request that the application be accorded a filing date of May 5, 2004 because petitioners state that the application was deposited in "Express Mail" service with the U. S. Postal Service (USPS) on May 5, 2004. In support, petitioners have provided a copy of the transmittal letter submitted with the original filing that states the application was deposited in U.S. Mail service on May 5, 2004 and lists Express Mail label no. EV436440455US thereon. It is noted that the submitted copy of the Express Mail label in question has a blank "date in."

The evidence presented with the petition is not persuasive of a May 5, 2004 USPS Express Mail deposit date for the application. However, an *independent search* of the USPS Shipping Center Track and Confirm information for the package associated with EV436440455US reveals that the package was accepted at a Briarcliff Manor, NY postal facility on May 5, 2004.

In view of the above, the Office is convinced that the application was deposited as "Express Mail" with the US Postal Service on May 5, 2004.

The petition is **GRANTED**. As this is a feeless petition, no petition fee has been or will be charged.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of **May 5, 2004**.

Telephone inquiries concerning this matter should be directed to the undersigned at (571)272-3230.

A handwritten signature in cursive script, reading "E. Shirene Willis".

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy